Indian and Northern Affairs Canada
Affaires indiennes et du Nord Canada

Annual Report to Parliament

Access to Information Act

and

Privacy Act

2006 - 2007

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INTRODUCTION

This Annual Report to Parliament is for the 2006-2007 fiscal year, as required under subsections 72(1) and 72(2) of the *Access to Information Act and Privacy Act.*

DELEGATED AUTHORITIES

Under section 73 of both Acts, the Minister's authority is delegated to enable the Department to meet its legislated requirements as well as exercise its powers. Responsibility for all sections of the Acts has been delegated to the Corporate Secretary, Office of the Corporate Secretariat and to the Departmental Access to Information and Privacy Coordinator.

DEPARTMENTAL MANDATE

Indian and Northern Affairs Canada (INAC) is responsible for two separate yet equally important mandates: **Indian and Inuit Affairs** and **Northern Development**. This broad mandate is derived largely from the *Department of Indian Affairs and Northern Development Act*, the *Indian Act*, territorial acts and legal obligations arising from section 91(24) of the *Constitution Act, 1867*; however, the Department is responsible for administering over 50 statutes in total. Consequently, INAC's mandate is complex and its responsibilities encompass a broad range of programs.

The Department is responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis and for fulfilling the federal government's constitutional responsibilities in the North. The Minister of Indian Affairs and Northern Development is also the Federal Interlocutor for Métis and Non-Status Indians. The Federal Interlocutor's role is to provide a point of contact between the Government of Canada and Métis, Non-Status Indians and urban Aboriginal peoples.

1. ACCESS TO INFORMATION ACT

HIGHLIGHTS

Between April 1, 2006 and March 31, 2007, the Department received three hundred and four (304) requests for information under the *Access to Information Act*. Along with these new requests received, thirty-nine (39) requests were carried over from the previous fiscal year, for a total of three hundred and forty-three (343) requests. During the reporting period, three hundred and two (302) requests were completed; forty-one (41) active files will be carried over to the next reporting period. The annual statistical report on the operation of the *Access to Information Act* can be found on page 7.

REQUESTOR SOURCES

The Access to Information requests received during this reporting period break down as follows (see Figure 1):

Media	54
Academia	6
Business	109
Organization	59
Public	76
TOTAL	**304**

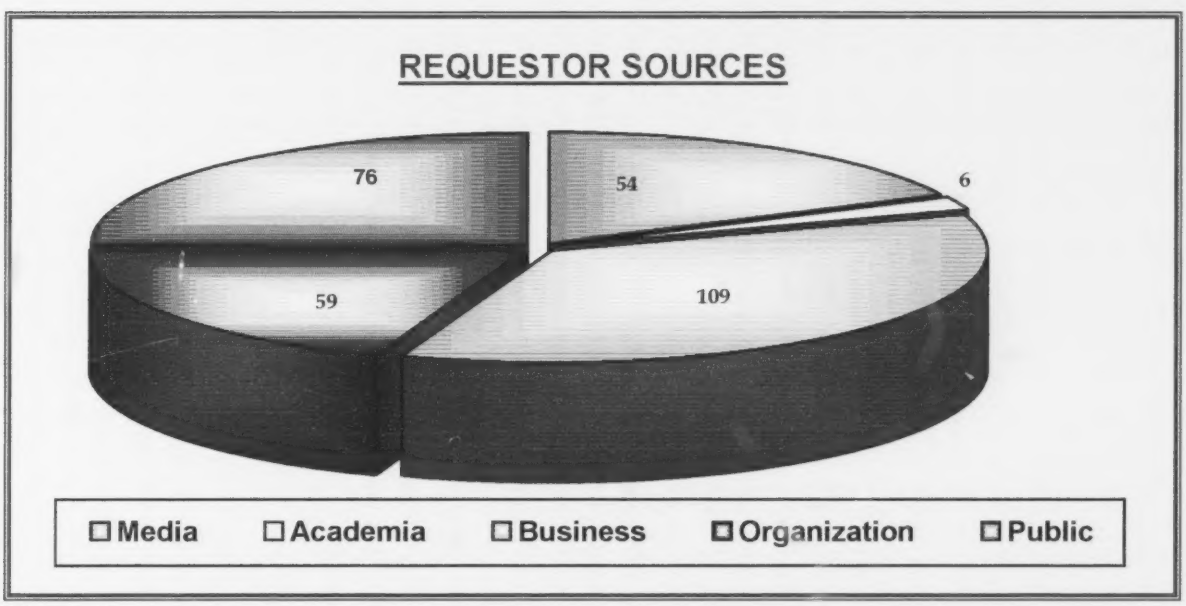

Figure 1

DISPOSITION OF COMPLETED REQUESTS

The distribution of completed requests is as follows (see Figure 2):

• All Disclosed	48
• Disclosed in Part	119
• Nothing Disclosed (Excluded)	1
• Nothing Disclosed (Exempt)	1
• Transferred	2
• Unable to Process[1]	52
• Abandoned by the Applicant	55
• Treated Informally	24
TOTAL	**302**

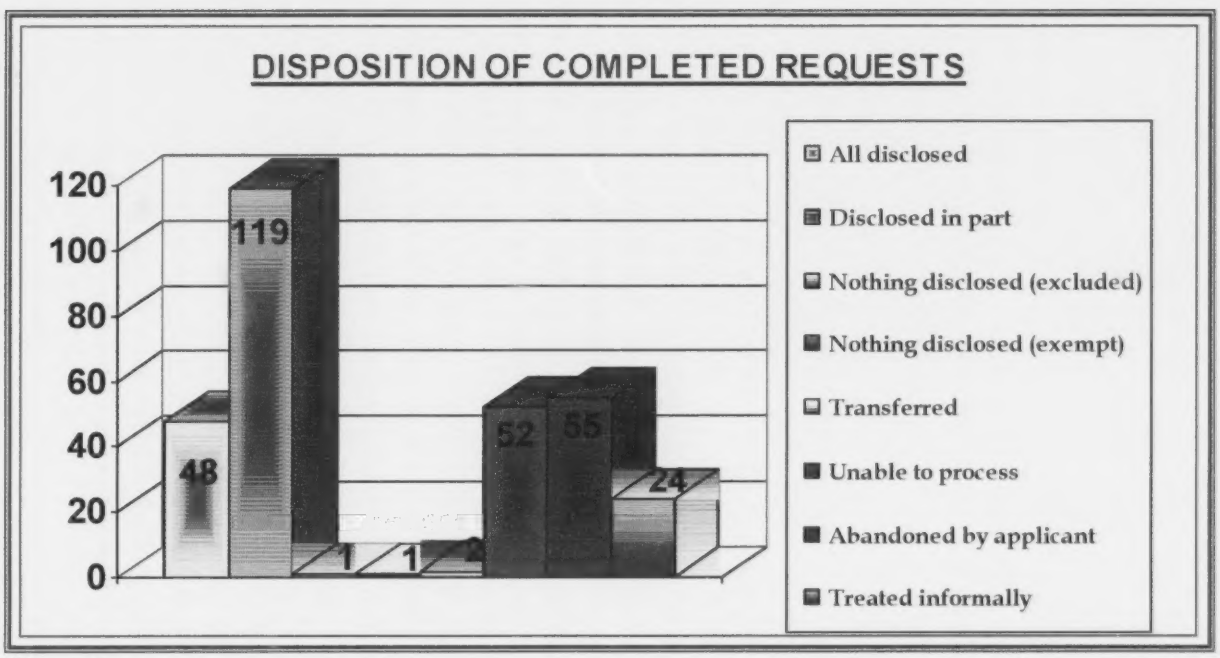

Figure 2

FEES AND COSTS

For the reporting period, the Department collected $4,693.40 in fees, and waived $9,501.20 in fees.

[1] There were no records in response to these requests.

CONSULTATIONS WITH OTHER INSTITUTIONS

When a request contains records that are of a greater interest to another institution, the Access to Information and Privacy Coordinator of that institution is consulted. Indian and Northern Affairs Canada was consulted in one hundred and fifty-three (153) cases in the reporting period. In return, INAC has consulted other federal government departments on one hundred and fifty (150) occasions during the reporting period.

COMPLAINTS AND INVESTIGATIONS

During the reporting period, eleven (11) complaints against the Department were filed with the Information Commissioner of Canada. To deal with these, five (5) investigations were completed; six (6) will be carried over to the next reporting period. Of the five (5) completed investigations, the Information Commissioner of Canada found that two (2) complaints were not substantiated, two (2) were discontinued and one was resolved to the satisfaction of the requestor. None of the complaints was considered to be well founded.

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution	Reporting period / Période visée par le rapport
Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada	04/01/2006 TO/À 03-31-2007

Source	Media / Médias	Academia / Secteur universitatire	Business / Secteur commercial	Organization / Organisme	Public
	54	6	109	59	76

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	304
Outstanding from previous period / En suspens depuis la période antérieure	39
TOTAL	343
Completed during reporting period / Traitées pendant la période visées par le rapport	302
Carried forward / Reportées	41

II Dispositon of requests completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	48	6.	Unable to process / Traitement impossible	52
2.	Disclosed in part / Communication partielle	119	7.	Abandoned by applicant / Abandon de la demande	55
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8.	Treated informally / Traitement non officiel	24
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	1		**TOTAL**	**302**
5.	Transferred / Transmission	2			

III Exemptions invoked / Exceptions invoquées

S. Art. 13(1)(a)	1	S. Art 16(1)(a)	2	S. Art. 18(b)	0	S. Art. 21(1)(a)	63
(b)	1	(b)	0	(c)	0	(b)	49
(c)	6	(c)	2	(d)	4	(c)	54
(d)	1	(d)	0	S. Art. 19(1)	85	(d)	5
S. Art. 14	29	S. Art. 16(2)	1	S. Art. 20(1)(a)	0	S. Art.22	2
S. Art. 15(1) International rel. / Relations interm.	1	S. Art. 16(3)	0	(b)	51	S. Art 23	56
Defence / Défense	3	S. Art. 17	0	(c)	30	S. Art. 24	0
Subversive activities / Activités subversives	0	S. Art. 18(a)	4	(d)	36	S. Art 26	1

IV Exclusions cited / Exclusions citées

S. Art. 68(a)	0	S. Art. 69(1)(c)	2
(b)	0	(d)	1
(c)	0	(e)	13
S. Art. 69(1)(a)	5	(f)	1
(b)	1	(g)	30

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	167
31 to 60 days / De 31 à 60 jours	45
61 to 120 days / De 61 à 120 jours	66
121 days or over / 121 jours ou plus	24

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	25	12
Consultation	29	32
Third party / Tiers	0	63
TOTAL	54	107

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	165
Examination / Examen de l'original	0
Copies and examination / Copies et examen	2

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$1,340.00	Preparation / Préparation	$0.00
Reproduction	$1,419.40	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$1,934.00	**TOTAL**	$4,693.40

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	54	$530.70
Over $25.00 / De plus de 25 $	43	$9,501.20

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	$914,408.69
Administration (O and M) / Administration (fonctionnement et maintien)	$	$74,256.45
TOTAL	$	$988,665.14

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	15.22

2. PRIVACY ACT

HIGHLIGHTS

Between April 1, 2006 and March 31, 2007, the Department received twenty-one (21) requests for information under the *Privacy Act*. In addition, one (1) request was carried over from the previous fiscal year, for a total of twenty-two (22) requests. During the reporting period, nineteen (19) requests were processed and three (3) active files will be carried over to the next reporting period. The annual statistical report on the operation of the *Privacy Act* can be found on page 11.

DISPOSITION OF COMPLETED REQUESTS

The distribution of completed requests is as follows:

• All Disclosed	3
• Disclosed in Part	7
• Nothing Disclosed (Excluded)	0
• Nothing Disclosed (Exempt)	0
• Unable to process[2]	8
• Abandoned by the Applicant	1
• Transferred	0
TOTAL	**19**

DISCLOSURE OF PERSONAL INFORMATION

Personal information under the control of a government institution **shall not,** without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with subsection 8(1) of the *Privacy Act*.

Further to the formal nineteen (19) requests received under the *Privacy Act*, as indicated above, there are permissible disclosures of personal information under subsection 8(2) of the *Privacy Act* which may be disclosed without the consent of the individual to whom the information pertains (see Figure 3). These disclosures constitute three hundred and ninety-one (391) requests and their breakdown is identified in the following paragraphs.

Paragraph 8(2)(a)

Personal information may be disclosed "*for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.*"

[2] There were no records in response to these requests.

Under this paragraph of the *Privacy Act*, nineteen (19) requests were received and treated.

Paragraph 8(2)(b)

Personal information may be disclosed "*for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure.*"

Under this paragraph of the *Privacy Act*, seventy-four (74) requests were received and treated.

Paragraph 8(2)(d)

Personal information may be disclosed "*to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada.*"

Under this paragraph of the *Privacy Act*, thirty-seven (37) requests were received and treated.

Paragraph 8(2)(e)

Personal information may be disclosed "*to an investigative body* [...] *for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation...*"

Under this paragraph of the *Privacy Act*, twenty-five (25) requests were received and treated.

Paragraph 8(2)(f)

Personal information may be disclosed "*under an agreement or arrangement between the Government of Canada* [...] *and the government of a province [or territory]* [...] *for the purpose of administering or enforcing any law or carrying out a lawful investigation.*"

Under this paragraph of the *Privacy Act*, one hundred and ninety-five (195) requests were received and treated.

Paragraph 8(2)(j)

Personal information may be disclosed "*to any person or body for research or statistical purposes if the head of the government is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates and obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates.*"

Under this paragraph of the *Privacy Act*, eleven (11) requests were received and treated.

Paragraph 8(2)(k)

Personal information may be disclosed "*to any association of aboriginal peoples, Indian band, government institution or part thereof, or to any person acting on behalf of such association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada.*"

Under this paragraph of the *Privacy Act*, twenty-nine (29) requests were received and treated.

Sub-paragraph 8(2)(m)(ii)

Personal information may be disclosed "*for any purpose where, in the opinion of the head of the institution, disclosure would clearly benefit the individual to whom the information relates.*"

Under this sub-paragraph of the *Privacy Act*, one (1) request was received and treated.

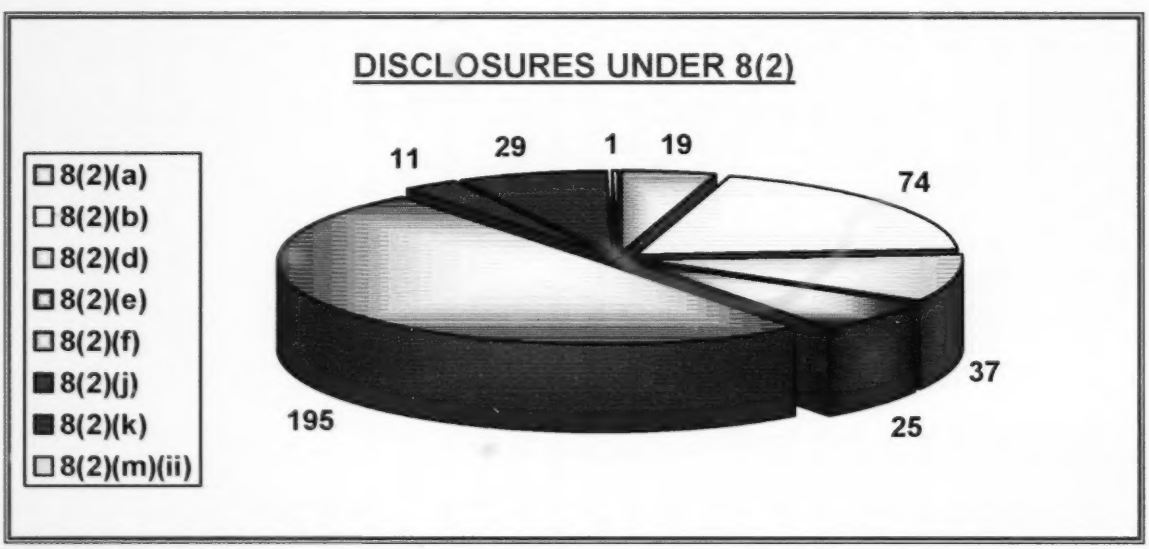

Figure 3

COMPLAINTS AND INVESTIGATIONS

During fiscal year 2006-2007, only one (1) complaint was filed with the Privacy Commissioner of Canada, against the Department, in relation to the processing of requests made under the Act. The complaint was not substantiated.

Government of Canada / Gouvernement du Canada

REPORT ON THE PRIVACY ACT
RAPPORT CONCERNANT LA LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

Institution	Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada	Reporting period / Période visée par le rapport 04/01/2006 to / à 03/31/2007

I Requests under the Privacy Act / Demandes en vertu de la Loi sur la protection des renseignements personnels

Received during reporting period / Reçues pendant la période visée par le rapport	21
Outstanding from previous period / En suspens depuis la période antérieure	1
TOTAL	22
Completed during reporting period / Traitées pendant la période visées par le rapport	19
Carried forward / Reportées	3

II Disposition of request completed / Disposition à l'égard des demandes traitées

1.	All disclosed / Communication totale	3
2.	Disclosed in part / Communication partielle	7
3.	Nothing disclosed (excluded) / Aucune communication (exclusion)	0
4.	Nothing disclosed (exempt) / Aucune communication (exemption)	0
5.	Unable to process / Traitement impossible	8
6.	Abandonned by applicant / Abandon de la demande	1
7.	Transferred / Transmission	0
TOTAL		19

III Exemptions invoked / Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1)(a)	1
(b)	0
(c)	0
(d)	0
S. Art. 20	0
S. Art. 21	0
S. Art. 22(1)(a)	0
(b)	0
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art. 25	0
S. Art. 26	7
S. Art. 27	1
S. Art. 28	0

IV Exclusions cited / Exclusions citées

S. Art. 69(1)(a)	0
(b)	0
S. Art. 70(1)(a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	16
31 to 60 days / De 31 à 60 jours	3
61 to 120 days / De 61 à 120 jours	0
121 days or over / 121 jours ou plus	0

VI Extentions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Interference with operations / Interruption des opérations	0	0
Consultation	1	0
Translation / Traduction	0	0
TOTAL	1	0

VII Translations / Traductions

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	10
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Corrections and notation / Corrections et mention

Corrections requested / Corrections demandées	0
Corrections made / Corrections effectuées	0
Notation attached / Mention annexée	0

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)		
Salary / Traitement	$	58,677.07
Administration (O and M) / Administration (fonctionnement et	$	4,764.99
TOTAL	$	63,442.06

Person year utilization (all reasons) / Années-personnes utilisées (raisons)	
Person year (decimal format) / Années-personnes (nombre décimal)	0.98

3. ADMINISTRATION OF PERSONAL INFORMATION

PRIVACY IMPACT ASSESSMENTS (PIA)

A PIA is a step-by-step evaluation of the flow of personal information held within a given program or service. This process enables the Department to determine whether new technologies, information systems, initiatives, and proposed programs or policies meet federal government privacy requirements.

The Privacy Policy division of the Access to Information and Privacy (ATIP) unit has been instrumental in making the Privacy Impact Assessments (PIA) process a focal point for privacy activities at Indian and Northern Affairs Canada (INAC). By providing advice and guidance, including written and verbal training, the Privacy Policy division has enabled all INAC program offices to incorporate privacy into their fundamental program planning.

A PIA outlines salient points about new or existing personal information, including hard copy format or through technology systems, by answering questions about the information that will be collected, who will be able to access the information, how the information and data will be maintained, what administrative controls will be in place, and how the decision to use the information was made. From the initiation of a PIA to the final product, the Privacy Policy division has provided PIA direction to program offices and their components.

The Privacy Policy division has provided critical privacy advice to new initiatives, resulting in changes that will improve privacy protection in departmental programs. Procedures are being established to ensure that privacy is considered throughout the life cycle of INAC's processes and programs and that fair information principle inform policy decisions concerning data collection and use.

In the past fiscal year, INAC initiated fifteen (15) PIAs (see Annex A).

Contract Information Management System (CIMS):
(PIA initiated)

A portion of the data from the former Contract Information Management System will be transferred to a smaller web-based search tool, the Historical Contract Management System (HCMS), which will provide some basic information about INAC contracts awarded to either firms or individuals. The Contract Information Management System was the pre-OASIS version of the Purchase Order module of OASIS, which is the Department's financial system. The HCMS information will be accessible via password only to authorized HQ and regional procurement officials for the primary purposes of responding to ATIP requests and Parliamentary questions.

Estates Reporting System (ERS):
(PIA initiated)

The new Estates Reporting System (ERS) Project is to modernize and replace the existing legacy system known as the Estate Reporting System which consists of Estate related information on deceased members of the Aboriginal community in Canada.

The current ERS system has been classified as a legacy system in need of redevelopment aimed at the modernization of hardware and software components. In addition, several failings of this current system have been identified by users from both the regions and headquarters.

The Estate Reporting Services, under the authority of the Lands and Trust Services (LTS) Sector, is required to manage information vis-à-vis Estates administration. ERS is a legacy system which currently exists on a Powerhouse / Interbase platform which is no longer supported by the vendor.

Integrated Capital Management System (ICMS):
(PIA initiated) - As per an analysis a PPIA or PIA is not required as the system does not contain personal information.

The purpose of the ICMS development Project is to modernize and replace the existing legacy systems in the Capital Infrastructure area known as the Capital Asset Management System (CAMS), which consist of the Community Asset Information System (CAIS), the Asset Condition Reporting System (ACRS), and the Capital Management Database (CMDB). There is a need to improve the capability of the system from a business perspective such as the replacement and integration of the Housing and Infrastructure Assets (H&IA) Web application to the new ICMS. The scope of the ICMS project will concentrate on the improvement of current business processes and related data collection requirements. Any new additions, changes and deletions to data requirements will be subject to the Data Collection Policy. A multi-phase approach will be used to ensure balance between the technology and the process improvements, alignment of project and business objectives and to manage project and operational

risks. The ICMS will be designed and developed using INAC's Information Management Branch (IMB), IM/IT standards and platform.

Executive Appointment System (EAS):
(PIA initiated)

The proposed Executive Appointment System (EAS) will enable users to create and manage Ministerial appointments and contracts. Oracle will be implemented as the backbone, thus enabling immediate on-site IT support when required. The system will also provide reports and allow users to maintain reference tables such as sectors and organizations (boards, commissions, claims, etc.). New security features promote administrators to have tighter controls over usernames and passwords - limiting access on a need-to-know basis.

Specific Claims Branch Reporting Interface (SCBRI):
(PIA initiated)

The SCBRI is a national web on-line system which was established to provide a list of public and pre-established reports as well as up-to-date information on the status of claims within the Specific Claims Branch (SCB). The SCBRI is a complement to the SCB database. It is a web reporting tool that allows the external and internal users to produce pre-defined reports against the SCBRI data, which is a logical extract from the SCB data. Additionally, it replaces the existing static SCB reports published manually, in PDF format on a quarterly basis on the INAC web site. SCBRI reports on essential information to all parties involved in the specific claims process in order to improve the negotiation process between Canada and the First Nations.

Comprehensive Integrated Document Management (CDIM):
(PIA initiated)

CIDM was first introduced over nine years ago and a Privacy Impact Assessment was not required for its implementation. Many new versions have been implemented over the intervening years - the most recent providing more access than ever before to document profiles and the documents themselves. CIDM is a document management tool that INAC is using to become a 'paperless' Department.

WebCIMS:
(PIA initiated)

WebCIMS is a Correspondence and Issues Management System on the World Wide Web. It is based on the familiar paper concept of folders, attachments and assignments. With WebCIMS, all notes, response documents, email messages, and related history are incorporated into a single folder for easy and efficient retrieval. It provides an effective method of managing correspondence and issues by tracking not only the original item, but also the response and/or actions taken by the users or users' staff.

Legal Assistance Database System (LADS) - Plaintiff Tracking Module:
(PIA initiated)

The Foster Care and Day School Litigation Portfolio manages approximately 28 active multi-plaintiff actions. Currently, staff is unable to run a search in the National Case Inventory (NCI) relating to the specifics regarding individual plaintiffs in these actions and their specific allegations. This is particularly problematic when trying to assess INAC's liability in claims or when responding to meet senior management information requests. In addition, this affects the accuracy of statistical data that is compiled using NCI as a searching tool. To satisfy this requirement, the Portfolio is looking to modify the existing Legal Assistance Database System (LADS) – in order to track information by plaintiff for both the Portfolio's single plaintiff and multi-plaintiff actions. The purpose of this project is to re-design the database application to track specific information about foster care and day school plaintiffs, as well as the information surrounding their allegations. It is also important that they maintain the ability to link these plaintiffs to their respective actions. This will allow the portfolio to produce accurate (based on current knowledge) statistical data that can be used to further assess the portfolio's caseload, as well as INAC's liability.

TFMS/GLMS Redevelopment Project:
(PIA initiated)

This is actually two systems but one project for both:
TFMS = Trust Funds Management Systems
GLMS = Guaranteed Loans Management System

TFMS tracks more than $1 billion of Indian monies held in special purpose accounts by INAC on behalf of First Nation Bands and individuals. INAC is responsible for ensuring that these moneys are managed in accordance with the appropriate legislation and regulations.

GLMS tracks loan guarantees managed by INAC. The Department manages up to $1.7 billion in government-certified loans and is accountable to its constituents (First Nations, lenders and the Canadian public) for the appropriate management of these contingent liabilities, as well as any accounts receivable resulting from defaulted loans.

Treaty Payment System:
(PIA initiated)

In order to manage data resulting from the fulfillment of Canada's treaty payment obligations, the Treaty Payment System (TPS) was deployed under the authority of the Lands and Trust Services Sector in 1995. The treaty payment process is a unique blend of treaty obligation and tradition, which shapes the practices and procedures of treaty payments. The TPS has been re-developed by INAC in May 2005 and is fully supported by Indian and Northern Affairs Canada. The new TPS application is a web-enabled system that will completely replace the current TPS, including functionality and data. The new system will be accessible via Internet through Indian and Northern

Affairs Canada's secured Intranet. The TPS will maintain personal information collected by INAC.

National On-line Aboriginal Inventory:
(PIA initiated)

INAC is currently in the process of developing an application which will allow First Nations and Inuit to register the Résumés to be screened for governmental employment opportunities.

To support this mission, Indian and Northern Affairs Canada is in the process of developing and implementing the Aboriginal Résumé Bank (ARB) application, which will be used by human resources officers to determine suitability of candidates for employment opportunities. Some of the information contained within the system includes addresses, levels of education, previous experiences and reference contact information.

Real Time Identification (RTID) System:
(PIA initiated)

RTID is the proposed solution to address challenges in the current fingerprint identification and criminal record system by re-engineering and automating current processes. Transforming the current paper-based infrastructure into a seamless paperless electronic system will allow INAC to do work in only hours and days that now takes weeks and months. The electronic processes planned for RTID are primarily a re-engineering of existing services, meaning that the information received from clients will change only slightly.

Electronic Visitor Access Control System:
(PPIA initiated)

The new Intranet web-enabled system will support employee and visitor access control, the records related to the subjects contain the actual access logs/registers used to issue temporary employee passes and temporary visitor passes. The information will be kept for a period of one year and will then be destroyed. This information is used to enhance the security of INAC's facilities and of individuals and assets present in such facilities.

Integrated Financial Systems (IFS):
(PPIA initiated)

The Integrated Financial Systems is a business intelligence and decision support application that aggregates information from the key INAC corporate financial systems. This application does not create new data, but simply allows users to access existing data in a flexible manner conducive to support the objectives around improving financial reporting and analytics as per the attached draft project charter. For the most part, the IFS provide information at the aggregate level where individual or transaction level detail is summarized in the views that are relevant to the decision maker. There is a

capability to drill-through the aggregate results and permit limited views of transactional level detail.

Royalty Management System (RMS):
(PPIA initiated)

The RMS is an automated system that will serve to facilitate royalty administration, assessment, audit and forecasting. It will work to ensure royalty accountability and royalty assurance. The system is intended to support the Oil and Gas Management Directorate in fulfilling its obligations related to the royalty regime under the *Canada Petroleum Resource Act*. The RMS database contains a minimal amount of personal information in the forms it receives. Given that access to the RMS will be controlled by the Corporate Applications Security Controller (CASC), a username for all users will be created and entered into the CASC along with the individual's name and business email address. The system will have a log file.